IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL
Writ Petition No. 792 of 2005 (S/S)

Rajesh Kumar Prasad
Aged about 32 years
S/oSri Jagganath Prasad, Junior Engineer
(Quantity Survey and Contracts)
Garrison Engineer, MES, Pithoragarh
Uttaranchal … Petitioner

Versus

1. Union of India
Through Secretary, Ministry of Defence,
New Delhi

2. Garrison Engineer
Military Engineering Services
Pithoragarh, Uttaranchal

3. Commander Work's Engineer (Hills)
MES Pithoragarh, Uttaranchal …Respondents

Sri. R.S. Sammal, learned counsel for the petitioner.
Sri Pradeep Joshi, learned Standing Counsel (Central Govt.) for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioner has challenged his posting at G.E. (P) I.M.A., Dehradun from the present place of assignment.

Brief facts giving rise to this writ petition are that the petitioner is presently post as Junior Engineer (Quantity Survey and Contracts) GE MES, Pithoragarh. As per the averment made in the writ petition, an application was moved by the petitioner to the Chief Engineer, Headquarter Central Command Lucknow on 29.12.2004 making request therein that one year retention at hard tenure on the basis of illness of his wife be considered. The petitioner has also mentioned the place of his choice, in case if the transfer is necessary then it may be for Dehradun, Fatehgarh and Gorakhpur.

It has been further averred in the writ petition that the application moved by the petitioner was recommended by the E.E. / for Garrison Engineer. The petitioner again moved an application for extension of hard tenure period for one year on 20.04.2005 which was also recommended by the G.E. and thereafter it was sent to C.W.E., Hills Pithoragarh.

The Chief Engineer Central Command, Lucknow informed the petitioner that the request letter of the petitioner was not sent properly to the authorities. The application thereafter was sent by the petitioner through proper channel but the C.W.E., Hills, Pithoragarh respondent no. 3 rejected the application vide letter dated 31.05.2005 which has been filed as annexure-8 to this writ petition. The petitioner has therefore, feeling aggrieved by the aforesaid rejection order has moved this writ petition.

Heard learned counsel for the parties and perused the record.

It appears from the perusal of the record that the case of the petitioner was recommended by the E.E. / for Garission Engineer, therefore, it is not clear as to on what ground the application was rejected by C.W.E., Hills.

It would thus be desirable in the interest of the justice that the respondent no. 3 should decide the representation of the petitioner within a period of 30 days after the receipt of the certified copy of the judgment by passing speaking and reasoned order.

The writ petition is finally disposed of.

(B.C. Kandpal, J.)

22nd June, 2005
Shiv